



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,078	10/29/2003	Craig John Simonds	201-1110	5929
28415	7590	07/15/2005	EXAMINER	
PRICE, HENEVELD, COOPER, DEWITT & LITTON, LLP 695 KENMOOR S.E. P. O. BOX 2567 GRAND RAPIDS, MI 49501-2567			TRAN, DALENA	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,078

Applicant(s)

SIMONDS ET AL.

Examiner

Dalena Tran

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/18/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 4/25/05. As per request, claims 1-2, 9-10 have been amended. Thus, claims 1-16 are pending.

The prior art submitted on 4/18/05 has been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7-12, and 14-16, are rejected under 35 U.S.C. 102(b) as being anticipated by Behr et al. (5,543,789).

As per claim 1, Behr et al. discloses a system for providing environmental context information for use with onboard vehicle devices, system comprising: an input for accessing and receiving context information (see column 8, lines 25-36), an identifier for analyzing the received information and defining the type of information related to the environment as environmental context information (see columns 8-9, lines 37-55; columns 10-11, lines 44-4; and columns 11-12, lines 66-67), a data storage device having memory for storing the environmental context information (see column 6, lines 32-50; and columns 9-10, lines 56-43), an interface for communicating a data storage device with a plurality of onboard vehicle devices (see columns 7-8, lines 36-25), and an agent for downloading environmental context information to one or more of the vehicle devices (see columns 15-16, lines 35-19).

Art Unit: 3661

As per claim 2, Behr et al. disclose the stored environmental context information comprises an address pointer that indicates the source of the environmental context information (see columns 11-12, lines 66-67).

As per claim 3, Behr et al. disclose the input receives the environmental context information from at least one of an off board service provider and a vehicle centric system (see columns 3-4, lines 44-19).

As per claim 4, Behr et al. disclose the interface comprises a wireless interface (see 7-8, lines 36-25).

As per claim 5, Behr et al. disclose the plurality of vehicle devices comprises a vehicle control module and a navigation device (see columns 2-3, lines 50-43; and columns 5-6, lines 66-32).

As per claim 7, Behr et al. disclose the environmental context information comprises vehicle travel condition information (see columns 8-9, lines 37-55).

As per claim 8, Behr et al. discloses the data storage device is portable (see columns 6-7, lines 62-35).

Claims 9-11, are method claims corresponding to system claims 1-3 above. Therefore, they are rejected for the same rationales set forth as above.

Claims 12-14, are method claims corresponding to system claims 5-7 above. Therefore, they are rejected for the same rationales set forth as above.

Claims 15, and 16, are method claims corresponding to system claims 4, and 8 above. Therefore, they are rejected for the same rationales set forth as above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, and 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Behr et al. (5,543,789), in view of Lee et al. (6,374,177).

As per claim 6, Behr et al. do not disclose weather information. However, Lee et al. disclose the environmental context information comprises weather information (see at least column 12, lines 10-19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Behr et al. by combining the environmental context information comprises weather information for assisting a driver planning a travel plan in a navigation system.

Claim 13, is a method claims corresponding to system claim 6 above. Therefore, it is rejected for the same rationales set forth as above.

Remarks

6. Applicant's argument filed on 4/25/05 has been fully considered. Upon updated search, the new ground of rejection has been set forth as above as a result of the new amendment claims.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

Art Unit: 3661

A shorten statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTHS shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136 (a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-F (6:30 AM-4:00 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. Effective on July 15, 2005, the new fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

/dt

July 7, 2005


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3600